

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

OCT 26 2004

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALAN DAVID BERENBAUM, NEVIN HEINTZE,
TOR E. JEREMIASSEN and STEFANOS KAXIRAS

Application No. 09/538,755

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on September 13, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Paper No. 6, filed March 31, 2003, is listed on the face of the file and the Patent Application Location and Monitoring System (PALM) as an Information Disclosure Statement (IDS), but we are unable to locate an IDS filed March 31, 2003 in the file. However, the paper noted as No. 6 and dated March 31, 2003 within the file is a paper filed under 37 CFR § 3.73(b). Therefore, if no IDS was filed on March 31, 2003 simultaneously with the assignment related paper, then the designation of the paper

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should be changed to reflect the correct kind of document that it is. Alternately, if an IDS has been filed as noted in the record of the application, a copy of the IDS is needed, and the IDS needs to be considered.

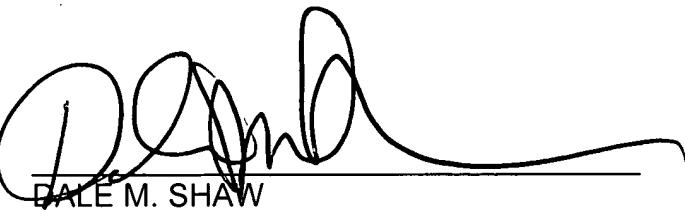
Accordingly, it is

ORDERED that the application is being returned to the Examiner to clarify/correct the discrepancy of Paper No. 6, filed March 31, 2003, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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DMS/vsh
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